United States District Court
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

JAMES EDWARD PRICE, II,	§ § §	
Plaintiff,	§ §	
v.	§ §	**Civil No.: 4:18-cv-00757-ALM-KPJ**
UNITED STATES OF AMERICA,	§ §	**Criminal Action No. 4:16-cr-67**
Defendant.	§ § § §	

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE

Came on for consideration the Report and Recommendation of the United States Magistrate Judge in this action (the "Report") (Dkt. #19), this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636.

Pending before the Court is Plaintiff James Edward Price, II's ("Plaintiff") Motion filed pursuant to 28 U.S.C. § 2255 and Federal Rule of Criminal Procedure 41(g) (the "Motion") (Dkt. #1). In the Report, the Magistrate Judge recommended that the Motion (Dkt. #1) be denied to the extent Plaintiff seeks relief under Section 2255. To the extent Plaintiff seeks relief under Rule 41(g), the Magistrate Judge recommended that the Motion be denied without prejudice to Plaintiff seeking relief under Rule 41(g) in the Northern District of Texas. The Magistrate Judge further recommended that Plaintiff is not entitled to a certificate of appealability.

Having received the Report of the United States Magistrate Judge, and no timely objections being filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the Court.

IT IS ORDERED that :

1. The Motion (Dkt. #1) is **DENIED** to the extent Plaintiff seeks relief under Section 2255;

2. To the extent Plaintiff seeks relief under Rule 41(g), the Motion (Dkt. #1) is **DENIED WITHOUT PREJUDICE** to Plaintiff seeking relief under Rule 41(g) in the Northern District of Texas;

3. Plaintiff is not entitled to a certificate of appealability.

All relief not previously granted is hereby denied.

IT IS SO ORDERED.
SIGNED this 16th day of March, 2022.

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AMOS L. MAZZANT
UNITED STATES DISTRICT JUDGE

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